

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	CASE NO. 1:02-cv-367
	:	(consolidated with 1:02-cv-359,
V.	:	1:02-cv-388, 1:02-cv-431, and
	:	1:02-cv-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	

**ORDER DISMISSING REAL PROPERTY KNOWN AND
NUMBERED AS 14354 HARBOUR LINKS COURT 3-B, FORT MYERS, FLORIDA**

The United States has moved this Court pursuant to Fed.R.Civ.P. 41(a)(2) for an order dismissing real property known and numbered as 14354 Harbour Links Court 3-B, Fort Myers, Lee County, Florida ("the subject real property"), which is further described as follows:

Situate, lying and being in the County of Lee, State of Florida to wit:

CONDOMINIUM PARCEL: UNIT 3-B, HARBOUR LINKS CONDOMINIUM, according to the Declaration of Condominium recorded in Official Records Book 2862, Page 350, and according to the plat recorded in Condominium Plat Book 24, Pages 64 to 71 incl.; and Amendment recorded in Official Records Book 2957, Page 1976, and the plat recorded in Condominium Plat Book 25, Page 42 to 47, inclusive of the public records of Lee County, Florida, together with an undivided share in the common elements appurtenant thereto.

The United States and the record owner of the subject real property, Marcia Erpenbeck, agreed to the sale of the subject real property to a third party and that the United States will not forfeit the subject real property. Instead, A. William Erpenbeck, Jr. will forfeit to the United

States in a related criminal case (1:03-cr-050) the net proceeds from the sale of the subject real property by Marcia Erpenbeck.

No parties or entities have raised an objection to the United States' request for dismissal of the subject real property. Therefore, this Court hereby

DISMISSES the subject real property, under Fed.R.Civ.P. 41(a)(2), from this consolidated civil forfeiture action without prejudice.

11/10/04
Date


S. Arthur Spiegel
SENIOR UNITED STATES DISTRICT JUDGE